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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/651,871

08/29/2003

Horace Winston Hale

HORA.P0101US

9347

23908 7590 10/29/2007
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EXAMINER

PRIDDY, MICHAEL B

ART UNIT

PAPER NUMBER

3733

MAIL DATE

DELIVERY MODE

10/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/651,871

Applicant(s)

HALE ET AL.

Examiner

Michael B. Priddy

Art Unit

3733

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael B. Priddy.

(3) Mark Johnson.

(2) Eduardo Robert.

(4) _____.

Date of Interview: 17 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: US 2002/0151895 Soboleski et al.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

EDUARDO C. ROBERT
PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Michael B. Priddy
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. Johnson contacted the Examiners to discuss the interpretation of independent claim 1 relative to the embodiment depicted in Figures 5A-C of Soboleski et al. Mr. Johnson's position was that the device of Soboleski et al. does not disclose a translaminar fixation mechanism for securing the inferior implant to the inferior articular facet. Examiners Priddy and Robert maintain the element 136 of Soboleski et al. is capable of allowing for fixation of the inferior implant to the inferior articular facet in a translaminar orientation. Agreement on this matter was not reached.

Mr. Johnson went on to point out that the device of Soboleski et al. only allows for unidirectional articulation of implant 130 relative to implant 150 while the present invention is capable of relative articulation in multiple directions. Mr. Johnson offered to amend the presently pending independent claims with language more clearly defining the interaction between the superior and inferior implants. Examiners Robert and Priddy agreed that amending the independent claims to include language requiring the superior and inferior implants be capable of multi-directional articulation relative to one another would appear to distinguish from Soboleski et al..